

Remarks

In the official action the Examiner rejects claims 1-10 and 19-34 under 35 U.S.C. 103 as allegedly being unpatentable over US Patent No. 5,777,778 to Yao in view of US Patent No. 5,917,179 to Yao.

With respect to Yao '778, the Examiner asserts that Figure 10 thereof shows a single frequency DBR laser 1000 and a number of other elements, but that Yao '778 lacks a modulator coupled to the output of laser 1000. The Examiner notes that Yao '179 teaches a modulator 220 coupled to the output of a laser, as shown in Figure 5a thereof, and thereby concludes that it would be obvious to incorporate modulator 220 from Yao '179 into Figure 10 of Yao '778.

With all due respect to the Examiner, the Applicant utterly disagrees with the Examiner's conclusion. Indeed, the Examiner is respectfully requested to read the Yao patents in their entireties since, if the Examiner had done so initially, it is believed that the Examiner would never have made this rejection.

In Yao '778, Yao teaches use of modulators particularly with respect to the embodiments of Figure 1, 2, 4, 6a, 7 and 8a-8e.

Starting at column 11, line 66 in Yao '778, Yao tells the reader how the previous embodiments (i.e. the embodiments mentioned above) include an E/O modulator as the main component for implementing light modulation and signal feedback. From that point, Yao starts talking about alternative ways of generating the desired signals starting with an embodiment of Figure 9 and continuing onto the embodiment of Figure 10. The Examiner has already noted that lack of a modulator in Figure 10 and the Examiner can also note the lack of a modulator in the embodiment of Figure 9 of Yao '778. As the Examiner will note by reference to the discussion of Figure 9, an RF combiner 910 couples the RF signals from the two loops together and the coupled RF signal is fed to the light source 800 to modulate the driving current thereof and to thereby modulate the output intensity. Figure 10 has a similar arrangement.

So, up to this point, Yao teaches the reader that a separate modulator, which is the main component of the embodiments of Figures 1-8e discussed in Yao '778, is not required in the embodiments of Figures 9 and 10. In sum, Yao tells the reader in the '778 patent that it is unnecessary in the embodiments of Figures 9 and 10 to put a modulator at the output of laser 1000.

It is submitted that it is more obvious to follow the teachings of the prior art than to ignore it. The inventor (Yao) tells the reader that it is unnecessary to include a separate modulator in the embodiment of Figure 10 and it is submitted that a person of ordinary skill in this art who read the '778 patent would follow its teaching in that regard. No separate modulator is required given the way the laser is driven.

Also, the Applicant questions the alleged motivation which the Examiner asserts in the official action for making the combination. The Examiner talks about "for the benefit of generating two optical sidebands..." The Examiner is respectfully requested to look at Figure 11a of the '778 patent. How many sidebands does the Examiner see there? It is submitted that the embodiment of Figure 10 of the '778 patent already generates multiple sidebands, as shown in Figure 11a, so it hardly needs modification in order to generate "two optical sidebands", as alleged by the Examiner in the official action.

With all due respect to the Examiner, the Examiner's rejection is obviously based upon a hindsight reconstruction of Applicant's claims, as opposed to looking at the prior art and discerning what it teaches. The prior art cited by the Examiner certainly does not teach or suggest any of the claims rejected by the Examiner and therefore the Examiner is respectfully requested to withdraw the prior art rejections.

Furthermore, even if it were obvious to make the combination suggested by the Examiner (which is denied), the suggested combination does not meet every limitation of claim 1, which recites, *inter alia*, "an optical path coupling an output of the filter to the laser for injection locking". Note that Yao teaches an electrical connection from RF filter 1016 to laser 1000. The Examiner asserts that this connection is optical in the official action. That assertion is clearly incorrect. Note, for example, photodetectors 1008 and

1010.

The Examiner is respectfully requested to consider the other independent claims active in this application. It is believed that the Examiner will see that they too are not anticipated by the combination proposed by the Examiner. Of course, the Applicants also assert that the proposed combination is inconsistent with the teachings of the cited references and therefore the rejections are improper. The Examiner is respectfully requested to reconsider them.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

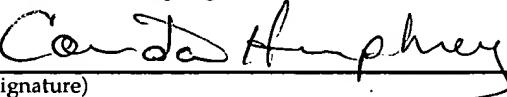
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(Date of Deposit)

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(Name of Person Signing)



(Signature)

April 6, 2004

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Respectfully submitted,



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